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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/901,878

07/09/2001

Giovanni Seni

LX00071

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7590

04/22/2004

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EXAMINER

CHANG, JON CARLTON

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/901,878

Applicant(s)

SENI ET AL.

Examiner

Jon Chang

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 54-60.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
Jon Chang  
Primary Examiner  
Art Unit: 2623

Continuation of 5. does NOT place the application in condition for allowance because: Applicants' arguments have been fully considered, but they are not deemed to be persuasive for at least the following reasons. Applicants argue that "...a window for solely receiving a displaying handwritten data" is not directed to a predetermined area of the screen, but rather is either shown at a particular location as in Fig.1, or not shown at the particular location of the screen as in Fig.2. The Examiner disagrees. Assuming that the input area 104 is the claimed "window", there is no disclosure that this window is not shown when the keyboard is displayed. The exact language of the specification is, "In this mode, the user interface displays a QWERTY keyboard 132 in the input area..." This language in no way indicates that the window is not shown. Rather, it explicitly describes that the keyboard is displayed in the window. This means that in Fig.2, the window still exists, with a keyboard inside of it. The only other possible interpretation of Applicants' disclosure, is that the window is the area below the horizontal line which separates areas 102 and 104 (Fig.1). Even with this interpretation, Fig.2 still indicates that the window still exists, with a keyboard displayed in it. Either way, the original disclosure does not support "a window for solely receiving and displaying handwritten data."

With regard to the prior art, Applicants argue that Capps does not disclose that the screen may solely receive and display handwritten data, because the patent describes that a "gesture" can be made on the screen. Applicants conclude that a gesture includes data other than handwritten data because a gesture, as defined by Capps, can be anything from a simple click or tap on the screen, to a complex but recognizable stroke on the screen. The Examiner disagrees. Capps meets the language of the claim in either of the following two ways. 1) In Capps, the areas 54a and 54b within the screen 52, is solely used for receiving and displaying handwritten data because there is not other area of the screen which is used for this purpose. "Solely" in this case is interpreted to mean "without another." 2) In interpreting "solely" to mean "to the exclusion of all else" (as Applicants appear to be interpreting it), Capps still meets the language because all of the "clicks" and "taps" are performed by hand, using a stylus. Either way, Capps and Kuriyama et al. render claims 54-60 obvious.